

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HAYMOUNT URGENT CARE PC and
ROBERT A. CLINTON, JR., *individually and
on behalf of all those similarly situated,*

Plaintiffs,

v.

GOFUND ADVANCE, LLC, FUNDING 123,
LLC, MERCHANT CAPITAL LLC, ALPHA
RECOVERY PARTNERS, LLC, YITZCHOK
("ISAAC") WOLF, JOSEF BREZEL, JOSEPH
KROEN, AND YISROEL C. GETTER,

Defendants.

Case No. 1:22-cv-01245-JSR

**AMENDED NOTICE OF MOTION
FOR PARTIAL SUMMARY
JUDGMENT**

PLEASE TAKE NOTICE that, Plaintiffs Haymount Urgent Care P.C. and Robert A. Clinton ("Plaintiffs") will move this Court, before the Honorable Jed S. Rakoff at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, for an Order granting Plaintiffs partial summary judgment pursuant to Federal Rule of Civil Procedure 56(a) on their First Cause of Action for wire and mail fraud in violation of RICO, 18 U.S.C. § 1962, and Second Cause of Action for conspiracy, 18 U.S.C. § 1962(d) against Defendants Yitzchok ("Isaac") Wolf, Josef Brezel, Joseph Kroen, and Yisroel Getter, GoFund Advance, LLC, Funding 123, LLC, Merchant Capital LLC, and Alpha Recovery Partners, LLC for damages and for a permanent injunction enjoining Defendants from using ACH processing and the Connecticut Prejudgment Remedy statute, Conn. Gen. Stat. § 52-278a-m, in connecting with their lending business. In support of their motion, Plaintiffs will reply upon their (i) Memorandum of Law in Support; (ii) Statement of Material Facts; (iii) the Declaration of Shane R. Heskin, dated February 13, 2023; (iv) the Declaration of Dr. Robert Clinton, dated February 7, 2023; (v) the Declaration

of Brandy Perez, dated February 2, 2013; (vi) the Declaration of Benjamin George Harbor, Jr., dated February 1, 2023; (vii) the Declaration of Jason Adelman, dated February 13, 2023; (viii) the Declaration of Jerome Turner, Jr., dated February 12, 2023; (ix) the Declaration of Armando Ascencion, dated February 7, 2023; (x) the Declaration of Michael Maxon, dated February 10, 2023; (x) the Declaration of Eulice Alvey, dated February 6, 2023; (xi) the Declaration of Furat Alsaigh, dated February 7, 2023, together with the exhibits thereto, and all prior pleadings herein.

PLEASE TAKE FURTHER NOTICE that pursuant to this Court's order dated December 29, 2022, answering papers are due on February 27, 2023, with Plaintiffs' reply papers due on March 6, 2023.

February 14, 2023

Respectfully submitted,

WHITE AND WILLIAMS LLP

By: 

Shane R. Heskin
Alex D. Corey
7 Times Square, STE 29
New York, NY 10036
(215) 864-7000
heskins@whiteandwilliams.com
Attorneys for Plaintiffs

To: **ROCHE FREEDMAND LLP** (Via ECF)

Edward Normand
Velvel (Devin) Freedman
Richard Cipolla
Kelvin Goode
99 Park Avenue, 19th Floor
New York, NY 10016
(646) 350-0527
tnormand@rochefreedman.com
Attorneys for Defendants